

R E M A R K S

Applicants have made a diligent effort to put the pending claims in condition for allowance. Eighteen claims remain pending in the application: Claims 1-18. Reconsideration of the pending claims is respectfully requested.

Drawings

1. The Draftsperson has objected to Figures 11 and 12 for failing to have an acceptable left margin.

Applicants have submitted herewith replacement Figures 11 and 12.

Information Disclosure Statement

2. Applicants are unclear as to whether the Examiner has considered Foreign Patent Document W099/14678, filed March 25, 1999. This document was originally submitted with the Information Disclosure Statement filed by Applicants on November 21, 2003. Applicant has attached a copy of the PTO/SB/08A form, a copy of the stamped return receipt postcard showing receipt by the USPTO, and a copy of the reference for consideration by the Examiner. No fees are believed due for this submission.

Rejection under 35 U.S.C. § 103

3. Claims 1-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,161,132 (*Roberts et al.*) in view of U.S. Patent No. 6,659,861 (*Faris et al.*).

Roberts et al. disclose a system for the

synchronization of content with the playing of a musical CD (See Roberts et al., Col. 5, line 10-28). When a user connects to a central web page, the user is prompted to insert a CD (See Roberts et al., Col. 7, lines 14-16). The user is then directed to a chat room, or a chat room is created, for the particular CD inserted and the user becomes a client of the chat room (See Roberts et al., Col. 7, lines 26-30). The chat room's name is set by the server to contain information about the track that is playing in the other clients' machines and the time at which the track started to play, as well as the volume at which the CD is playing. The chat client plug-in uses the information included in the chat room's name to synchronize with the other clients in the chat room such that all the clients are approximately hearing the same part of the CD at the same time (Column 7, line 35-Column 8, line 2). Roberts et al. describe a system where people who own a common CD can come together on the internet and listen to a song at the same time while being able to send text messages to each other.

The Examiner has asserted in the present office action that Column 23, lines 26-60 of *Faris et al.* teach an Internet based time constraint system for allowing an event to take place simultaneously on a plurality of clients in response to receiving an activation signal. The system described in this portion of *Faris et al.* includes a Global Synchronization Unit (GSU) that is used at each client machine. The GSU is connected to the client using a direct hardware connection, infrared, or radio frequency link (Shown in FIG. 2D1 and described at Column 24, lines 33-37). The required components of the GSU included a GPS Receiver and an associated antenna (Column 25, lines 1-2). The GSU can

receive an activation signal which will trigger an event at a predetermined time. The Examiner further states that "it would have been obvious to one having ordinary skill in the art at the time of the invention...to utilize the event synchronization mechanism as taught by *Faris et al.*" Thus, the Examiner appears to have equated the GSU receiving an activation signal to Applicants' claimed "sending an object for allowing the scheduled event to be played back simultaneously on the client apparatuses, the object adapted to start the scheduled event simultaneously on the plurality of client apparatuses upon detection of an activation signal."

The GSU of *Faris et al.* is a hardware device that is connected to each of the client apparatuses and requires at least a GPS receiver and antenna. Applicants send an object over the network to any client computer that wants to take part in the scheduled event. The "object" of Applicants' claims is "adapted to start the scheduled event simultaneously on the plurality of client apparatuses upon detection of an activation signal." On page 3 of the Office Action the Examiner appears to have equated "sending an object" to the activation signal of *Faris et al.*, however, as is clear from Applicants' claims, "the object" is different from "the activation signal," as the object is adapted to start the event upon receipt of the activation signal.

While, the GSU of *Faris et al.* also receives an activation signal, Applicants do not believe it to be possible for the server of *Faris et al.* to "send" the GPS receiver and antenna to the client apparatuses over a network. Thus, neither *Faris et al.* nor *Roberts et al.* teach or suggest "sending an object for allowing the scheduled event to be played back

simultaneously on the client apparatuses, the object adapted to start the scheduled event simultaneously on the plurality of client apparatuses upon detection of an activation signal."

MPEP Section 2143.03 states "To establish *prima facie* obviousness of a claimed invention, all the claimed limitations must be taught or suggested by the prior art." As neither *Roberts* nor *Faris et al.* teach or suggest "sending an object for allowing the scheduled event to be played back simultaneously on the client apparatuses, the object adapted to start the scheduled event simultaneously on the plurality of client apparatuses upon detection of an activation signal," a *prima facie* case of obviousness has not been made. Thus, Applicants respectfully submit the rejection is overcome and should be withdrawn.

Furthermore, section 2143.01 of the Manual of Patenting Examining Procedure states that in order to modify a prior art reference "there must be a suggestion or motivation in the reference to do so." There would be no reason to modify *Roberts et al.* to include the GSU of *Faris et al.* The system in *Roberts et al.* would be severely limited if every client needed to have a GPS receiver and antenna (required components of the GSU) in order to participate in listening to a CD with other people online. This would require everyone trying to listen to a CD to have an expensive and unnecessary system.

Thus, Applicants submit that one of ordinary skill in the art would not be motivated to combine the teachings of *Roberts et al.* and *Faris et al.* as this combination would deter from the functionality of the *Robert et al.* system. Thus, for this additional reason Applicants respectfully

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submit the rejection is overcome and claims 1-18 are in
condition for allowance.

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C O N C L U S I O N

By way of this amendment, Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone Thomas F. Lebens at (805) 781-2865 so that such issues may be resolved as expeditiously as possible.

Respectfully submitted,



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Attachments: One (1) Sheet of Replacement Figures
Copy of IDS Return Receipt Post Card
Copy of PTO/SB/08A form
Copy of WO99/14678